



MEMO ENDORSED

July 17, 2008

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Via Facsimile

The Honorable Naomi Reice Buchwald
United States District Court Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 2270
New York, New York 10007

Re: Portside Growth and Opportunity Fund v. GigaBeam Corporation,
07 CV 6990 (NRB)

Dear Judge Buchwald:

We represent plaintiff and we write to request an extension of our time to file reply papers from July 18, 2008 to August 8, 2008. The Court previously granted our two requests to extend the time to file these papers, from July 2 to July 18. Defendant has consented to this request.

We make this request because the parties have a settlement agreement in place, and are in the process of obtaining the necessary approvals to finalize the settlement. In light of the pending settlement, we hope that we will be able to file a Stipulation of Discontinuance in the next few weeks, in lieu of further motion papers.

Respectfully submitted,

Joshua S. Androphy

cc: Robert Bodian, Esq. (via facsimile)
Jason Padgett, Esq. (via facsimile)

Handwritten notes:
Applied to
extended 10/1/08
from original
date of 7/18/08
12/16/08

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